

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MARWILL SHURIELL BODDEN,

Plaintiff,

v.

QUALIFIED DATA SYSTEMS,
BIOTEKNICA INC, and ABBOTT
LABORATORIES,

Defendants.

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CIVIL NO. A-24-CV-01203-ADA

**ORDER ADOPTING MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Dustin M. Howell. ECF No. 38. The report recommends Defendants’ motions to dismiss (ECF Nos. 14, 21, 28) be **GRANTED** and Plaintiffs’ various motions be **DENIED** (ECF Nos. 10, 15, 23). The report and recommendation was filed on February 24, 2025.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court.¹ 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

When no objections are timely filed, a district court reviews the magistrate judge’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 Advisory Committee’s Note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error

¹ A party proceeding *pro se* who is served with the report and recommendation by mail has three additional days added to the fourteen-day period, meaning that party has seventeen days from the date the report and recommendation was mailed to serve and file objections. Fed. R. Civ. P. 6(d). If the last day of that prescribed period falls on a Saturday, Sunday, or legal holiday, then the deadline is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. Fed. R. Civ. P. 6(a)(1)(C).

on the face of the record in order to accept the recommendation.”). The Court has reviewed the Report and Recommendation and finds no clear error.

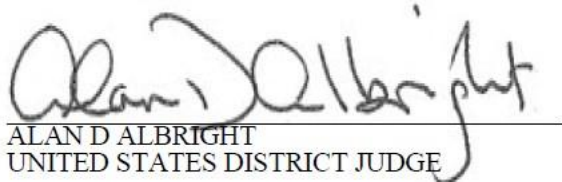
IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Howell (ECF No. 38) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants’ Motions to Dismiss (ECF Nos. 14, 21, 28) are **GRANTED** in accordance with the Report and Recommendation, and Plaintiff’s claims are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiffs’ Motion to Amend (ECF No. 15) is **DENIED** in accordance with the Report and Recommendation. Plaintiff’s other pending motions (ECF Nos. 10, 23) are **DENIED AS MOOT**.

The Court will enter a Final Judgment separately.

SIGNED this 18th day of March, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE